

ADAM R.F. GUSTAFSON
Acting Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

DUSTIN J. WEISMAN
MICHAEL K. ROBERTSON
150 M Street, N.E.
Washington, DC 20004
Telephone: (202) 305-9609
Fax: (202) 305-0506
Email: dustin.weisman@usdoj.gov
Email: michael.robertson@usdoj.gov

Counsel for the United States of America

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

STATE OF ALASKA,
Plaintiff,

v.

UNITES STATES OF AMERICA,
Defendant.

Civil Action No.: 3:18-cv-00265-SLG

JOINT STATUS REPORT

Pursuant to the Court's February 10, 2025, Order on Motion to Continue Trial (ECF No. 97), the Parties submit the following Joint Status Report.

On March 27, 2025, and April 24, 2025, the Parties met and conferred regarding the status of the United States Department of the Interior's ("DOI") review of the North Fork of the Fortymile River between the confluence of Slate and Independence Creeks and its intersection with Champion Creek at issue in this case. In accordance with the Court's Order, Defendant reports as follows:

(1) The status of the DOI implementation of Executive Order 14153 with respect to this waterway.

Section 3(b)(xxi) of Executive Order (“EO”) 14153 directed the Secretary of the Interior to, among other things, conduct a review of waterways in Alaska and provide recommendations of navigable waterways subject to the equal footing doctrine and the Submerged Lands Act of 1953. On February 3, 2025, Secretary Doug Burgum signed Secretarial Order (“SO”) 3422. Section 6(a) of SO 3422 directed the Assistant Secretary – Land and Minerals Management, in coordination with other Assistant Secretaries, to submit an action plan within 15 days describing the necessary and appropriate steps to execute the directives found in EO 14153, including Section 3(b)(xxi). Accordingly, the action plan was due to the Secretary by February 18.

In accordance with SO 3422, the action plan was submitted to the Secretary. Interior personnel prepared materials for decisionmakers regarding appropriate parameters for the action plan. The action plan remains under active consideration by Department officials.

DOI is also actively considering recommendations received from the State of Alaska in March 2025 regarding review of Alaskan waterways for navigability.

DOI has held high-level briefings—including as recently as the week of April 24—to discuss the appropriate next steps in developing its review of Alaskan waterways. DOI personnel continue to make efforts to further that agency decision-making process.

(2) Whether the DOI has determined whether to review this waterway and its current status on that decision.

DOI has not yet made a determination. Pursuant to the action plan submitted to the Secretary, DOI is in the process of determining whether any waterways will be excluded from the review and evaluating the resources and parameters necessary for the review and the order in which to conduct them. No decisions have yet been made by DOI regarding whether to exclude any waterways, including the North Fork of the Fortymile River, from review.

(3) The DOI's current status in reviewing this waterway.

DOI is still developing the process it will use to conduct this review and therefore any report as to the status of such a review is premature.

(4) Any final decision regarding this waterway resulting from the DOI's review.

Because DOI is still developing the process it will use to conduct this review, any report on a decision resulting from such a review is premature.

In accordance with the Court's Order, the Parties will continue to meet and confer regarding DOI's review of the waterway at issue in this case and will provide a subsequent status report no later than July 2, 2025.

Respectfully submitted, May 2, 2025.

ADAM R.F. GUSTAFSON
Deputy Assistant Attorney General
United States Department of Justice
Environment and Natural Resources Division

/s/ Michael K. Robertson

Dustin J. Weisman
Michael K. Robertson
150 M Street, N.E.
Washington, DC 20004
Telephone: (202) 305-9609
Fax: (202) 305-0506
Email: dustin.weisman@usdoj.gov
Email: michael.robertson@usdoj.gov

Counsel for the United States of America

TREG TAYLOR
ATTORNEY GENERAL

/s/ Ronald W. Opsahl
Ronald W. Opsahl (Alaska Bar No. 2108081)
Senior Assistant Attorney General
Lael Harrison (Alaska Bar No. 0811093)
Senior Assistant Attorney General
Department of Law
1031 W. 4th Avenue, Suite 200
Anchorage, Alaska 99501
Telephone: (907) 269-5232
Facsimile: (907) 279-2834
Email: ron.opsahl@alaska.gov
lael.harrison@alaska.gov

Counsel for the State of Alaska